

## REMARKS

The present application was filed on April 16, 2004 with claims 1 through 20. Claims 1 through 20 are presently pending in the above-identified patent application. Independent claims 1, 6, 9 and 14 are proposed to be amended herein.

In the Office Action, the Examiner rejected claim 3 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 14, 9 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lahat et al. (United States Patent Number 6,417,944). Claims 2-4, 10-12 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lahat and in view of Kalkunte et al. (United States Patent Number 5,774,658). Claims 6 and 20 are rejected under 35 U. S. C. 103(a) as being unpatentable over Soderberg et al. (United States Patent Number 7,349, 629) and in view of Lahat. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soderberg, in view of Lahat and further in view of Kalkunte. Claims 5, 13 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants believe that the section 112 issue for claim 3 has been resolved by the amendment to claim 1.

### Independent Claims 1, 6, 9 and 14

Independent claims 1, 9 and 14 were rejected under 35 U.S.C. §102(b) as being anticipated by Lahat et al. and claim 6 was rejected under 35 U. S. C. 103(a) as being unpatentable over Soderberg et al. in view of Lahat. With respect to claims 1 and 14, the Examiner asserts that Lahat et al. discloses a method for communicating in a time-domain wavelength interleaved network having a hub node (switch module 14, FIG. 1), comprising transmitting substantially all communications through the hub node (transmissions from modules 12 through module 14, FIG. 1), without changing a wavelength of said communications at said hub node (FIGS. 1-3; col. 6, lines 36-67; col. 7, lines 1-67; col. 8, lines 1-67; col. 9, lines 1-30 and col. 10, lines 42-67).

Each independent claim has been amended to emphasize that a transmission and reception of a message are synchronized such that a message sent in a transmitting time-slot  $k$  by a node  $N_i$  is received by a node  $N_j$  in a receiving time-slot  $k$ . Support for this amendment can be found in the original specification in claim 2 and par. 35 of the published version. Applicants submit that this feature is not shown or suggested by Lahat et al. or Soderberg, alone or in any combination.

The Examiner has previously considered a substantially similar limitation in rejecting claim 2. When rejecting claim 2, the Examiner asserts that Kalkunte et al. teaches synchronizing a transmission and reception of a message such that a message sent in a time-slot  $k$  by a node  $N_i$  is received by a node  $N_j$  in the time-slot  $k$ .

Applicants submit that Kalkunte does not disclose or suggest coordinating transmission and receiving time slots. Generally, Kalkunte describes a resource that can be used by one entity at a time. Thus, when a transmitting node wants to send a transmission, the transmitting node just needs to be given a time slot when another node is not transmitting.

Applicants respectfully request the withdrawal of the rejection of independent claims 1, 6 and 14.

#### Dependent Claims

Claims 2-5, 7-8, 10-13 and 15-20 are dependent on independent claims 1, 6, 9 and 14, and are therefore patentably distinguished over Lahat, Kalkunte et al., and Soderberg et al, alone or in any combination, because of their dependency from independent claims 1, 6, 9 and 14 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

#### Conclusion

All of the pending claims following entry of the amendments, i.e., claims 1-20, are in condition for allowance and such favorable action is earnestly solicited. The Examiner has already indicated that Claims 5, 13 and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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